

TENNESSEE REGULATORY AUTHORITY

Sara Kyle, Chairman
Lynn Greer, Director
Melvin Malone, Director



January 22 2002

REC'D TN
REGULATORY AUTH

460 James Robertson Parkway
Nashville, Tennessee 37243-0505

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OFFICE OF THE
EXECUTIVE SECRETARY

David Waddell, Esq.
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Hand delivered

Re: Show Cause Proceeding Against Talk.com, Inc.
Docket No. 01-00216

Dear David:

Enclosed is the Consumer Service Division's Responses and Objections to Talk.com's First Set of Interrogatories and First Set of Requests for Production. Please accept the same for filing. If you have any questions, please do not hesitate to contact me.

With kindest regards, I am

Sincerely yours,


Lynn Questell

Cc/ Henry Walker

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

REC'D
REGULATORY AUTH.
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OFFICE OF THE
EXECUTIVE SECRETARY

IN RE:

**SHOW CAUSE PROCEEDING
AGAINST TALK.COM, INC.**

DOCKET NO.
01-00216

**THE CONSUMER SERVICES DIVISION'S RESPONSES AND OBJECTIONS TO
TALK.COM INC.'S FIRST SET OF INTERROGATORIES**

Pursuant to Authority Rules 1220-1-1-.05 and 1220-1-2-.11 the Consumer Services Division ("CSD") of the Tennessee Regulatory Authority files its Responses and Objections to Talk.com, Inc.'s First Set of Interrogatories.

Interrogatory No. 1: Identify all instructions, manuals, training guides or other materials used in training and preparing the individuals responsible for investigating consumer complaints filed in Tennessee.

Response to Interrogatory No. 1: Each employee responsible for investigating consumer complaints receives a copy of the Tennessee Regulatory Authority Rules and Regulations, a copy of Tenn. Code Ann., Chapter 65, and a divisional employee manual.

In addition, each employee is assigned a mentor, an experienced investigator who personally trains and oversees the activities of the new employee until they are fully cognizant of the operations and procedures of the Division.

Interrogatory No. 2: Identify each person who has knowledge of your investigation of Talk.com's business activities in Tennessee that is subject to the Show Cause Order. For each person(s) describe the activities this person performed and the length of time spent on each activity.

Response to Interrogatory No. 2: The CSD objects to Interrogatory No. 2 as irrelevant and overly broad insofar as it requests information regarding the length of time individuals other than those employed by the CSD spent on activities. The CSD does not possess information regarding the length of time individuals other than those employed by the CSD spent on

activities related to Talk.com. The CSD further objects to Interrogatory No. 2 as an infringement of the attorney/client privilege insofar as it seeks specific amounts of time counsel spent on activities in this case and the specific nature of the service provided. The CSD also objects to Interrogatory No. 2 as over burdensome insofar as it requests the "length of time spent on each activity." The CSD case tracking system does not maintain a log of the time the investigators, support staff or supervisors spent on a particular activity and reconstructing the length of time spent on certain tasks would be extremely time-consuming. Accordingly, the amount of time included in this response is a good faith estimate only.

The following persons have knowledge of the CSD's investigation of Talk.com's business practices and performed the following activities in relation thereto:

- **M. Eddie Roberson, CSD Chief.**

460 James Robertson Parkway, Nashville, Tenn. 615-741-3939

Mr. Roberson is responsible for the overall investigation of all complaints against Talk.com and the general supervision of the investigative staff. His involvement with Talk.com also entailed: (1) consulting with investigators on mediation efforts to resolve complaints; (2) reviewing findings of investigators in order to determine whether the preponderance of evidence showed a violation of law; (3) consulting with legal staff; (4) holding discussions with company in an effort to settle case; (5) engaging in settlement discussions and (6) assisting the legal staff in this case.

- **Ed Mimms, CSD Do-Not-Call Program Manager.**

460 James Robertson Parkway, Nashville, Tenn. 615-741-3939 ext. 162.

Mr. Mimms is responsible for the operation and supervision of the Do-Not-Call Program including all Do-Not-Call complaints against Talk.com. In investigating each Do-Not-Call complaint against Talk.com he (1) examined the allegations of the consumer against the company; (2) contacted the consumer to clarify any aspect of the complaint that was unclear; (3) sent Notices of Alleged Violations to Talk.com; (4) reviewed company response to the complaint; (5) contacted the company if additional information or explanation was needed to understand the company response; (6) reviewed all applicable rules, regulations, and statutes; (7) contacted consumers to relay the company position and give the consumer the opportunity to rebut it; (8) consulted with other staff or supervisor, if assistance was needed; (9) closed the complaint and determined whether the complaint was chargeable or non-chargeable against the company; and (10) recommended enforcement action. In addition, Mr. Mimms assisted Debbie Curry in her working of the Do-Not-Call complaints against Talk.com in the analysis of whether a violation occurred. He also assisted the legal division.

- **John Conners, CSD Enforcement Coordinator.**

460 James Robertson Parkway, Nashville, Tenn. 615-741-3939

Mr. Conners was the lead investigator of Talk.com slamming and cramming complaints and the internal coordinator of research within the CSD. In this investigation, he (1) examined the allegations of the consumer against the company; (2) contacted the consumer to clarify any aspect of the complaint that was unclear; (3) reviewed the company's response to the complaint; (4) contacted the company if additional information or explanation was needed to understand the company response; (5) reviewed all applicable rules, regulations, and statutes; (6) contacted

consumers to relay company position and give them the opportunity to rebut it; (8) consulted with other staff or supervisor, if assistance was needed; (9) closed the complaint and determined whether it was chargeable or non-chargeable; and (10) recommended enforcement action. In addition Mr. Connors assisted the legal division.

- **Lisa Foust**, CSD Consumer Protection Specialist II.

460 James Robertson Parkway, Nashville, Tenn. 615-741-3939

Ms. Foust investigated Talk.com complaints of slamming and cramming. In this investigation, she (1) examined the allegations of the consumer against the company; (2) contacted the consumer to clarify any aspect of the complaint that was unclear; (3) reviewed the company response to the complaint; (4) contacted the company if additional information or explanation was needed to understand the company response; (5) reviewed all applicable rules, regulations, and statutes; (6) contacted consumers to relay the company position and give them the opportunity to rebut it; (8) consulted with other staff or supervisor, if assistance was needed; (9) closed the complaint and determined chargeable or non-chargeable; and (10) recommended enforcement action. In addition Ms. Foust assisted the legal division.

- **Debbie Curry**, CSD Consumer Protection Specialist II.¹

Tennessee Department of Financial Institutions, John Sevier Bldg., Fourth Floor, Nashville, Tenn., (615) 741-0351.

Ms. Curry was the lead investigator of complaints that Talk.com violated Tenn. Code Ann. § 65-4-401 *et seq.* In this investigation, she (1) examined the allegations of the consumer against the company; (2) contacted the consumer to clarify any aspect of the complaint that was unclear; (3) reviewed the company response to complaint; (4) contacted the company if additional information or explanation was needed to understand the company response; (5) reviewed all applicable rules, regulations, and statutes; (6) contacted consumers to relay the company position and give them the opportunity to rebut it; (8) consulted with other staff or supervisor, if assistance was needed; (9) closed the complaint and determined whether it was chargeable or non-chargeable; and (10) recommended enforcement action.

- **Vivian Michael Wilhoite**, CSD Consumer Outreach Coordinator.

460 James Robertson Parkway, Nashville, Tenn. 615-741-3939

Ms. Michael Wilhoite investigated one (1) slamming complaint against Talk.com: CSD File No. 00-1606; Ann Davis on behalf of the McMinn County Living Heritage Museum. This complaint is not included in the *Show Cause Order*. In this investigation, Ms. Michael Wilhoite (1) examined the allegations of the consumer against the company; (2) contacted the consumer to clarify any aspect of the complaint that was unclear; (3) reviewed the company response to the complaint; (4) contacted the company; (5) reviewed all applicable rules, regulations, and statutes; (6) contacted the consumers to relay the company position and give them the opportunity to rebut it; (8) consulted with other staff or supervisor; and (9) closed complaint and determined whether it was chargeable or non-chargeable.

- **Tina Baker**, Do-Not-Call program administrative assistant

460 James Robertson Parkway, Nashville, Tenn. 615-741-3939

¹ Debbie Curry is currently employed by the Tennessee Department of Financial Institutions. Her last day of employment with the CSD was January 15, 2002.

Ms. Baker performed preliminary analyses of complaints alleging violations of the Do-Not-Call statute and regulations.

- **Stacy Balthrop**, Administrative Assistant

460 James Robertson Parkway, Nashville, Tenn. 615-741-3939

Ms. Balthrop provided administrative assistance with regard to the slamming and cramming complaints.

- **Lynda Lu Perin**, Legal Assistant.

460 James Robertson Parkway, Nashville, Tenn. 615-741-3939

Assisted attorneys.

- **Kim Moore**, Legal Assistant

460 James Robertson Parkway, Nashville, Tenn. 615-741-3939

Assisted attorneys.

- **Lynn Questell**, Counsel

460 James Robertson Parkway, Nashville, Tenn. 615-741-3939

Ms. Questell represents the CSD.

- **Randal Gilliam**, Counsel

460 James Robertson Parkway, Nashville, Tenn.; 615-741-3939

Mr. Gilliam represents the CSD.

- **J. Richard Collier**, General Counsel.

460 James Robertson Parkway, Nashville, Tenn.; 615-741-3939

Mr. Collier attended meetings between staff and Talk.com representatives and their attorney.

- **Joelle J. Phillips**, Counsel for BellSouth.

BellSouth 333 Commerce Street, Suite 2101, Nashville, Tenn. 37201; 615-214-6311.

Ms. Phillips responded to discovery requests made by Talk.com.

- **Robin Moore**, BellSouth Regulatory Department.

BellSouth, Rm. 22C24, 333 Commerce Street, Nashville, Tenn., 37201-3300

Ms. Moore responded to CSD requests for preferred interexchange carrier ("PIC") histories.

- **Jeff Fox**, BellSouth Regulatory Department

BellSouth, Rm. 22C24, 333 Commerce Street, Nashville, Tenn., 37201-3300

Mr. Fox responded to a CSD request for affidavits attesting to PIC histories.

- **Deborah W. Trautwein**, BellSouth Compliance Assistant, Subpoena Compliance Center (770) 492-4560, 1960 W. Exchange Place, Suite 165, Tucker, Georgia 30084.

Ms. Trautwein supervised the retrieval of BellSouth customer telephone records in response to a subpoena issued by the TRA seeking such records.

- **Toni Rains**, BellSouth Business Applications Specialist

(865) 557-6000, ext. 13739, 1701 Winston Rd., Knoxville, Tenn., 37939
Ms. Rains provided a letter regarding a change order in CSD File 01-0802 (Lisa Greenshaw).

- **Gregory Anderson**, General Manager of Bledsoe Telephone Cooperative, Inc.
(423) 447-2121, 203 Cumberland Avenue, Pikeville, Tenn., 37367
Mr. Anderson provided a PIC history in one investigation, No. 00-2321 (Laura Wilson).

With regard to the time expended by CSD staff on activities involving the investigation of the business activities that are the subject of the *Show Cause Order*, the CSD states the following:

The CSD investigated 136 and 303 consumer complaints against Talk.com during 2000 and 2001, respectively. The CSD estimates that it spent an average of five (5) hours on each Talk.com complaint. Based on these figures, CSD estimates that it spent 680 staff hours during 2000 and 1,515 staff hours during 2001 on the Talk.com investigation. The specific investigative activities and an estimate of the percentage of the time spent on each activity are provided below. These figures in no way represent the CSD's total expenditure of time on this docket and do not include the time expended in actions related to enforcement.

- Initiate investigation by examining the allegations of the consumer against the company and contacting the consumer to clarify any aspect of the complaint that is unclear 10%
- Review company response to complaint and conduct follow-up discussions in order to understand company response 10%;
- Review all applicable rules, regulations, and statutes and conduct research on complaint as needed 30%;
- Contact consumer to relay company position and give opportunity to rebut 10%
- Consult with other staff or supervisor, if assistance is needed 10%
- Mediate complaint between consumer and company 10%
- Evaluate complaint and determine whether chargeable or non-chargeable against company and prepare final documentation for file 20%

Interrogatory No. 3: For each complaint you allege subjects Talk.com to liability in Tennessee, describe in detail the processes, standards and methods used to evaluate the consumer complaints and to calculate the number of days of violation of Tennessee rules and regulations. Include a description of any manuals, standards, guides or other materials used during the evaluation of the consumer complaints.

Response to Interrogatory No. 3: The CSD objects to that portion of Interrogatory No. 3 inquiring about the methods used to calculate the number of days of violation on the ground that the requested information is obtainable from another source that is more convenient, less burdensome and less expensive. The method used to calculate the days of violation is set forth in

the *Show Cause Order* at pages 110 through 115, with which Talk.com has been served. Notwithstanding that objection, the CSD responds as follows:

Each investigator uses the following process to investigate, mediate and determine the chargeable/non-chargeable status of consumer complaints:

- Examines the allegations of the consumer against the company;
- Contacts the consumer to clarify any aspect of the complaint that is not clear;
- Reviews the company's written response to the complaint;
- Contacts the company if additional information or an explanation is needed to understand the company's response;
- Reviews all applicable rules, regulations, and statutes;
- Contacts consumer to relay the company's position and give the consumer an opportunity to rebut the company's position;
- Consults with other staff or supervisor, if assistance is needed;
- Closes complaint and determines chargeable or non-chargeable and;
- Recommends enforcement action to division chief, if warranted.

Pursuant to Tenn. Code Ann. §§ 65-4-125 and 65-4-401 *et seq.* and Tenn. Comp. R. & Reg. 1220-4-2-.56, 1220-4-2-.58 and 1220-4-11, the CSD applies the following investigative procedures and standards to each type of complaint:

In cases involving complainants claiming their telephone service was switched without permission in violation of Tenn. Code Ann. § 65-4-125(a), the investigator seeks to determine whether the carrier had permission from the complainant to switch the service. The investigator attempts to obtain from the carrier some evidence of the consumer's authorization for the switch.

In cases involving complainants claiming their telephone bill is not accurate in violation of Tenn. Code Ann. § 65-4-125(b), the investigator explores whether the carrier accurately charged for the service rendered by comparing the prices, rates and discounts of the agreed-to plan with the actual charges on the phone bill.

In cases involving complainants claiming a telephone solicitor made a telephone solicitation call to their home telephone number in violation of Tenn. Code Ann. § 65-4-401 *et seq.*, the investigator determines whether the solicitation call was actually made and whether it violated the law. The investigator starts with a review of the complaint form, confirming that the complainant's home phone number was listed and in effect on the Register on the day the call was made. The investigator then determines whether the solicitor/company was properly

registered as a solicitor. Next, the investigator explores the possible application of any exceptions to the definition of solicitation calls, such as whether there was a prior business relationship between the solicitor and the complainant. If the complainant's phone number was on the Register at the time of the solicitation, and if there are no apparent exceptions involved, the investigator then provides the solicitor/company with a Notice of Alleged Violation and an opportunity to respond to the complaint. If the solicitor/company denies the call was made, the investigator continues the investigation. The investigator may subpoena the telephone records of the complainant's residential telephone for the date and approximate time the alleged call was made to determine whether those records show that a call was made to the complainant's home number by or on behalf of the solicitor/company. The investigator then determines whether a violation occurred, considering all facts, including the complainant's claim and the solicitor/company's response.

Interrogatory No. 4: For each complainant identified in the Show Cause Order, identify the specific TRA staff member(s) responsible for reviewing, analyzing and verifying the consumer complaints. For each staff member, describe the activities this person performed.

Response to Interrogatory No. 4:

The following CSD staff members were responsible for reviewing, analyzing and verifying the consumer complaints:

File Number	Consumer Name	Investigator	Duties
00-2192	John Smith	John Conners	Investigated and mediated dispute between company and consumer.
00-2231	Marla Davis	John Conners	Investigated and mediated dispute between company and consumer.
00-2419	Gerald Cochrane	John Conners	Investigated and mediated dispute between company and consumer.
00-2451	Randy O'Neal	John Conners	Investigated and mediated dispute between company and consumer.
01-0029	Marvin Johns	John Conners	Investigated and mediated dispute between company and consumer.
01-0061	Merilyn Hesselgrave	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0309	Jim Landers	John Conners	Investigated and mediated dispute between company and consumer.
01-0365	Ester Haynes	John Conners	Investigated and mediated dispute between company and consumer.
01-0416	John Helton	John Conners	Investigated and mediated dispute between company and consumer.
01-0607	Pat Anderson	John Conners	Investigated and mediated dispute between company and consumer.
01-0615	Donna Herald	John Conners	Investigated and mediated dispute between company and consumer.
01-0664	Robert Whitaker	John Conners	Investigated and mediated dispute between

			company and consumer.
01-0729	Barbara DeBlasio	John Conners	Investigated and mediated dispute between company and consumer.
01-0730	Sharon Jones	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0892	Kerry Beyer	John Conners	Investigated and mediated dispute between company and consumer.
00-2039	Joe Matthews	John Conners	Investigated and mediated dispute between company and consumer.
00-2082	Pam Downen	Lisa Foust	Investigated and mediated dispute between company and consumer.
00-2185	Dorothy Curvin	John Conners	Investigated and mediated dispute between company and consumer.
00-2321	Laura Wilson	John Conners	Investigated and mediated dispute between company and consumer.
00-2381	Jeanette Deming	John Conners	Investigated and mediated dispute between company and consumer.
01-0028	John Selkirk	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0089	Gary Butler	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0373	Janet Clare	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0641	Lori Tuberville	John Conners	Investigated and mediated dispute between company and consumer.
01-0653	Carol O'Gorman	John Conners	Investigated and mediated dispute between company and consumer.
01-0667	Edith Brown	John Conners	Investigated and mediated dispute between company and consumer.
01-0694	Duane Shields	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0703	Lisa Switter	John Conners	Investigated and mediated dispute between company and consumer.
01-0785	K. L. Owen	John Conners	Investigated and mediated dispute between company and consumer.
01-0918	John Montgomery	John Conners	Investigated and mediated dispute between company and consumer.
00-2469	Judy Beasely	John Conners	Investigated and mediated dispute between company and consumer.
01-0250	Janice Keenan	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0724	Michael Foster	John Conners	Investigated and mediated dispute between company and consumer.
01-0971	Lenore Wilson	Lisa Foust	Investigated and mediated dispute between company and consumer.

00-2463	Patricia Ladisa	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0063	Bruce Efflandt	John Conners	Investigated and mediated dispute between company and consumer.
01-0107	Lois Carrithers-Greer	John Conners	Investigated and mediated dispute between company and consumer.
01-0117	Doris Moore	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0172	Tim Sweeney	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0177	Marjorie Rainey	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0313	Fred Parish	John Conners	Investigated and mediated dispute between company and consumer.
01-0499	Lisan Parker	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0636	Carolyn Keay	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0641	Lori Tuberville	John Conners	Investigated and mediated dispute between company and consumer.
01-0666	Andy Whitehead	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0673	Charles Richardson	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0691	Cecilia Peterson	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0719	Betty Monroe	John Conners	Investigated and mediated dispute between company and consumer.
01-0802	Lisa Greenhaw	John Conners	Investigated and mediated dispute between company and consumer.
01-0837	Pat Shell	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0839	Buddy Hart	John Conners	Investigated and mediated dispute between company and consumer.
01-0848	Beth Davis	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-0909	Tina Cook	John Conners	Investigated and mediated dispute between company and consumer.
01-0918	John Montgomery	John Conners	Investigated and mediated dispute between company and consumer.
01-0982	Veronica Castillo	John Conners	Investigated and mediated dispute between company and consumer.
01-1059	Malisha Blackman	John Conners	Investigated and mediated dispute between company and consumer.

01-1092	Jack Whitman	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-1146	John Whalen	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-1219	Rudolph Blue	John Connors	Investigated and mediated dispute between company and consumer.
01-1220	William James	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-1294	Patricia Gatley	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-1320	Dennis McCarthy	Lisa Foust	Investigated and mediated dispute between company and consumer.
01-1539	Helen Spurlock	Lisa Foust	Investigated and mediated dispute between company and consumer.

Do-Not-Call			
File Number	Consumer Name	Investigator	Duties
00-00065	Teresa Tharpe	Debbie Curry	Investigated complaint.
00-00098	Frederick Snow	Debbie Curry	Investigated complaint.
00-00189	Daniel Brown	Debbie Curry	Investigated complaint.
00-00190	Laura Johnson	Debbie Curry	Investigated complaint.
00-00191	Allen Corbitt	Debbie Curry	Investigated complaint.
00-00192	Kristie Guthrie	Debbie Curry	Investigated complaint.
00-00193	Thomas Fitzgerald	Debbie Curry	Investigated complaint.
00-00194	Brenda Rayman	Debbie Curry	Investigated complaint.
00-00195	Christopher Haney	Debbie Curry	Investigated complaint.
00-00201	Jack Williams	Debbie Curry	Investigated complaint.
00-00203	David Smith	Debbie Curry	Investigated complaint.
00-00207	Matthew Smith	Debbie Curry	Investigated complaint.
00-00215	Michael Chance	Debbie Curry	Investigated complaint.
00-00216	Bruce Jones	Debbie Curry	Investigated complaint.
00-00218	Carl Owens	Debbie Curry	Investigated complaint.
00-00219	Thomas Davis	Debbie Curry	Investigated complaint.
00-00220	John Baumgartner	Debbie Curry	Investigated complaint.
00-00221	Richard Hinze	Debbie Curry	Investigated complaint.
00-00228	Ellen Beene	Debbie Curry	Investigated complaint.
00-00238	Juanita Evans	Debbie Curry	Investigated complaint.
00-00248	Jane Turnage	Debbie Curry	Investigated complaint.
00-00251	Linda Robinett	Debbie Curry	Investigated complaint.
00-00252	Robert Ross	Debbie Curry	Investigated complaint.
00-00253	Judy Womac	Debbie Curry	Investigated complaint.
00-00254	Bernet Poczobut	Debbie Curry	Investigated complaint.
00-00255	Forrest Orr	Debbie Curry	Investigated complaint.
00-00256	Linda Corder	Debbie Curry	Investigated complaint.

00-00263	Sherry Richards	Debbie Curry	Investigated complaint.
00-00264	Leah Owens	Debbie Curry	Investigated complaint.
00-00266	Remonia Headrick	Debbie Curry	Investigated complaint.
00-00268	Alton McConnell	Debbie Curry	Investigated complaint.
00-00275	Pamela Miller	Debbie Curry	Investigated complaint.
00-00276	Linda Bolt	Debbie Curry	Investigated complaint.
00-00278	Carl Benjamin	Debbie Curry	Investigated complaint.
00-00286	Robert McAllister	Debbie Curry	Investigated complaint.
00-00290	Joseph Burriesci	Debbie Curry	Investigated complaint.
00-00298	Cora Bamberg	Debbie Curry	Investigated complaint.
00-00305	Norma Corbin	Debbie Curry	Investigated complaint.
00-00339	Jackie Fortune	Debbie Curry	Investigated complaint.
00-00342	Bruce Luttrell	Debbie Curry	Investigated complaint.
00-00354	David Thompson	Debbie Curry	Investigated complaint.
01-00081	Chad Jerrell	Debbie Curry	Investigated complaint.
01-00105	Emory Smith	Debbie Curry	Investigated complaint.

*(In addition to the above listed investigators of the Do-Not-Call complaints, Tina Baker provided administrative support, verified that the consumers were indeed on the Do-Not-Call list and assigned the complaints. Ed Mimms supervised the investigation of each Do-Not-Call complaint included in the *Show Cause Order*.)

Interrogatory No. 5: Identify each and every complaint filed in Tennessee that concerns the use of a promotional check issued by a telecommunications service provider other than Talk.com. Identify the person(s) who participated in the analysis, investigation, review and summary of the complaints filed concerning promotional checks. For each person(s) describe the activities this person performed and the conclusion, if any, reached by the staff concerning the merits of the complaint.

Response to Interrogatory No. 5: The CSD objects to this Interrogatory as irrelevant, overly broad and unduly burdensome. Complaints filed against other telecommunications service providers have no relation to the issues raised in this proceeding.

Interrogatory No. 6: Identify all proceedings, formal or informal, in which the TRA has examined or investigated the practices of BellSouth in (a) providing "line loss" information to unaffiliated local or long distance carriers, or (b) providing notice of cancellation by customers of service(s) previously ordered. Identify all such proceedings by docket number and state the findings or conclusions reached.

Response to Interrogatory No. 6: The CSD objects to Interrogatory No. 6 as irrelevant, overly broad and unduly burdensome insofar as it requests (1) information regarding entities that are not parties to this case and (2) information regarding Divisions of the TRA that are not parties to this case. In its responses, the CSD can speak only for itself. The CSD further objects to that portion of Interrogatory No. 6 referring to "line loss information" as vague as Talk.com has provided no definition of the term. The CSD objects to that portion of Interrogatory No. 6 referring to the practices of BellSouth in "providing notice of cancellation by customers of service(s) previously

ordered" as vague. The CSD declines to speculate as to whose customers to which Talk.com is referring. Notwithstanding that objection, the CSD responds that it has received no requests to examine or investigate "the practices of BellSouth in (a) providing 'line loss' information to unaffiliated local or long distance carriers, or (b) providing notice of cancellation by customers of service(s) previously ordered" and has not conducted and examination or investigation of such.

Interrogatory No. 7: State the actions, if any, the TRA takes to investigate or verify the accuracy of information contained in the subscriber listing information or in the directory assistance information made available in Tennessee. If the TRA has reviewed or analyzed subscriber information or directory assistance in any docketed proceeding, identify such proceeding by docket number and state any findings or conclusions reached.

Response to Interrogatory No. 7: The CSD objects to Interrogatory No. 7 as irrelevant and overly broad insofar as it requests information from Divisions of the TRA that are not parties to this case. In its responses, the CSD can only speak for itself. The CSD also objects to that portion of Interrogatory No. 7 referring to "the subscriber listing information or in the directory assistance information made available in Tennessee" as irrelevant to the subject matter of this action. The CSD further objects to the portion of Interrogatory No. 7 that refers to "the subscriber listing information or in the directory assistance information made available in Tennessee" on the ground of vagueness. The CSD is uncertain of Talk.com's definition of these terms. Notwithstanding these objections, the CSD states that it has not undertaken to verify the contents of directory assistance data bases generated by telecommunications service providers in Tennessee as the regulations governing directory assistance, Tenn. Comp. R. & Reg. 1220-4-2-.15, do not contemplate that the CSD will undertake such verifications.

Interrogatory No. 8: Identify all instructions, manuals, training guides or other materials provided to TRA staff members, or members of the public, concerning the process for updating or verifying the accuracy of subscriber listing information or directory assistance information in Tennessee.

Response to Interrogatory No. 8: The CSD objects to Interrogatory No. 8 as irrelevant and overly broad insofar as it requests information from Divisions of the TRA that are not parties to this case. In its responses, the CSD can only speak for itself. The CSD further objects to that portion of Interrogatory No. 8 referring to "the subscriber listing information or in the directory assistance information made available in Tennessee" as irrelevant to the allegations contained in the *Show Cause Order*. The CSD objects to that portion of Interrogatory No. 8 referring to "the subscriber listing information or in the directory assistance information made available in Tennessee" on the grounds of vagueness. The CSD is uncertain of Talk.com's definition of these terms. Notwithstanding these objections, the CSD states that inasmuch as the regulations governing directory assistance, Tenn. Comp. R. & Reg. 1220-4-2-.15, do not contemplate that the CSD will undertake such verifications, the CSD does not possess instructions, manuals, training guides or other materials concerning the process for updating or verifying the accuracy of subscriber listing information or directory assistance information in Tennessee.

Interrogatory No. 9: If any reports, memorandum, documentation, letters, emails, reports or other written documents were created by you in connection with the review, analysis of the consumer complaints included in the Show Cause Order against Talk.com, identify the person(s) who created, drafted, reviewed, signed or approved such reports, memorandum, documentation, letters, emails or other written documents. Identify where the records of such documents are maintained, stored or preserved; and state whether any such records have been discarded or destroyed.

Response to Interrogatory No. 9: The following persons created, drafted, reviewed, signed or approved reports, memorandum, documentation, letters, emails or other written documents related to this case:

- M. Eddie Roberson, CSD Chief.
- Ed Mimms, CSD Do-Not-Call Program Manager.
- John Conners, CSD Enforcement Coordinator.
- Lisa Foust, CSD Consumer Protection Specialist II.
- Debbie Curry, CSD Consumer Protection Specialist II.²
- Vivian Michael Wilhoite, CSD Consumer Outreach Coordinator.
- Tina Baker, Administrative Assistant.
- Lynda Lu Perin, Legal Assistant.
- Kim Moore, Legal Assistant.
- Lynn Questell, Counsel.
- Randal Gilliam, Counsel.

All individuals listed above, with the exception of Debbie Curry, who is no longer employed at the TRA,³ work at 460 James Robertson Parkway, Nashville, Tennessee. All of the material referred to in Interrogatory No. 9 is located in the CSD complaint files maintained at 460 James Robertson Parkway, Nashville, Tennessee. No records have been discarded or destroyed.

Interrogatory No. 10: Identify all complaints filed by the Commission and/or Authority Staff members (including, but not limited to, the Consumer Services Division) and/or their household members concerning the business practices of Talk.com. Identify all documents relating to such complaints including, but not limited to, all notes, summaries, emails, correspondences or

² See footnote 1.

³ See footnote 1.

recordings of conversations or investigations or other materials regarding these complaints. Identify where the records of such documents are maintained, stored or preserved, and state whether any such records have been discarded or destroyed.

Response to Interrogatory No. 10: The CSD has no record of any TRA household members filing complaints concerning the business practices of Talk.com. The following TRA personnel have filed complaints against Talk.com with the CSD:

Lisa Foust complaint file # T0000208- Do-Not-Call

Dan McCormac complaint file 01-1496

The above mentioned materials are located in the complaint files. None of the records related to these complaints have been destroyed. These complaints are not included in the *Show Cause Order*. These employees' business addresses and the complaint files are located at the Tennessee Regulatory Authority at 460 James Robertson Parkway, Nashville, Tennessee.

Interrogatory No. 11: Identify the person(s) who participated in the creation of the original Do Not Call Registry and each subsequent version. For each person(s), describe the activities this person performed and the time period(s) each person was involved in the activity.

Response to Interrogatory No. 11: The CSD objects to Interrogatory 11 as irrelevant. The creation of the Do-Not-Call Registry was mandated by Tenn. Code Ann. § 65-4-405 and is unrelated to the subject matter of this case.

Interrogatory No. 12: Identify the methodology used to create the original Do Not Call Registry and each subsequent version. Identify any reports, memorandum, documentation, letters, emails or other written documents, produced by you in connection with the compilation of the Do Not Call Registry.

Response to Interrogatory No. 12: The CSD objects to Interrogatory 12 as irrelevant. The creation of the Do-Not-Call Registry was mandated by Tenn. Code Ann. § 65-4-405 and is unrelated to the subject matter of this case.

Interrogatory No. 13: Identify all instructions, manuals, training guides or other materials provided to the TRA Staff members or members of the public concerning the process of submitting and recording a Do Not Call Registry request from a Tennessee consumer.

Response to Interrogatory No. 13: The following instructions, manuals, training guides or other materials are provided to the TRA Staff members or members of the public concerning the process of submitting and recording a Do-Not-Call Registry request from a Tennessee consumer: A brochure, "Tennessee's 'Do-Not-Call' Program," Authorization No. 316248, explains how to register for the Do-Not-Call Program. Instructions on registering are also provided through the Toll-Free interactive, in-state telephone number, (877) 872-7030. A training guide explaining the process of submitting and recording a Do-Not-Call Registry request from a Tennessee consumer, entitled "Tennessee 'Do-Not-Call' Program," is available to TRA staff members in a

paper and electronic format. Information concerning the process of submitting and recording a Do-Not-Call Registry request is also available on the TRA website at <http://www.state.tn.us/tra>. The other materials made available to the staff or members of the public are Tenn. Code Ann. § 65-4-401, *et seq.* and Tenn.Comp. R. & Reg. 1220-4-11.

Interrogatory No. 14: State whether you have performed any independent investigation of the alleged violation of the Do Not Call Registry in order to verify that the complainant was actually contacted by Talk.com. If any independent investigations were made, identify the person(s) who participated in the review, supervision, placement or analysis of the investigation. Identify all documents describing, summarizing or analyzing such investigations, and identify where the records of such investigations are maintained, stored or preserved; and state whether any such records have been discarded or destroyed.

Response to Interrogatory No. 14: The CSD Do-Not-Call staff members conducted an independent investigation of the alleged violations of the Do-Not-Call Registry by Talk.com. Ed Mimms and Debbie Curry participated in the review, supervision, placement and analysis of the investigation. Alleged violations were initially analyzed by the Do-Not-Call program administrative assistant Tina Baker. Documents used to analyze the complaints include the consumer's registry information as to when they registered for the Do-Not-Call program and the effective date of their registration. Solicitor registration information was also used to analyze the complaints. Solicitor registration information is available in paper format. Consumer registry information is in electronic format and stored at the Tennessee Regulatory Authority, 460 James Robertson Parkway, Nashville TN 37243. Investigation of some complaints required the issuance of a subpoena to obtain the necessary call record information related to the alleged violation. An affidavit was provided by Deborah Trautwein, a compliance assistant employed by BellSouth, at BellSouth's Subpoena Compliance Center. Ms. Trautwein's affidavit related to one complaint which is included in the *Show Cause Order*, CSD file No. 01-00081. The consumer complaints received by the CSD provided the basis for investigating the allegations contained therein. These complaints are on file at the Tennessee Regulatory Authority, 460 James Robertson Parkway, Nashville TN 37243. Additional subpoenas, filed with the TRA in this docket, were issued to BellSouth on January 14, 2002 and January 16, 2002, for the purpose of obtaining listing information, billing name, associated numbers, service address, and billing address information. At this time, no known records have been discarded or destroyed. The investigator file for CSD file No. 00-00354 (David Thompson) is missing, but the master file is not.

Interrogatory No. 15: Identify all communications with BellSouth or any other carrier authorized to do business in the State of Tennessee concerning Talk.com's business practices in Tennessee including, but not limited to, Talk.com's marketing, billing, provisioning or services. Identify each person(s) who participated in the communication, the type of communications (*i.e.* letter, meeting, phone call, etc.), the date of the communication and the specific subject of the communication.

Response to Interrogatory No. 15: The CSD objects to Interrogatory No. 15 as overly broad and unduly burdensome. Notwithstanding that objection, the CSD responds as follows:

The following are those persons who participated in communications with the CSD regarding Talk.com's business practices in Tennessee including, but not limited to, Talk.com's marketing, billing, provisioning or services.

1. Robin Moore, (615) 214-3861, Rm. 22C24, 333 Commerce Street, Nashville, Tenn., 37201-3300. Ms. Moore provided PIC histories on all the slamming and cramming complaints included in the *Show Cause Order* involving complainants with a relationship to BellSouth.
2. Jeff Fox, (615) 214-4066, Rm. 22A1, 333 Commerce Street Nashville, Tenn., 37201-3300. Mr. Fox is Ms. Moore's supervisor. He provided a letter attesting to the accuracy of the PIC histories provided by BellSouth in this case.
3. Joelle J. Phillips, (615) 214-6311, Suite 2101, 333 Commerce Street, Nashville, Tenn., 37201-3300. Ms. Phillips provided assistance in obtaining the addresses and telephone numbers required to respond to this discovery request.
4. Toni Rains, (865) 557-6000, ext. 13739, 1701 Winston Rd., Knoxville, Tenn., 37939. Ms. Rains submitted a letter regarding a change order in CSD File 01-0802.
5. Gregory L. Anderson, (423) 447-2121, 203 Cumberland Ave. Pikeville, Tenn., 37367. Mr. Anderson provided the PIC history on one complaint, CSD file No. 00-2321.

The individuals employed by BellSouth may be contacted through BellSouth's Legal Department, Guy Hicks (615 214-6301) or Joelle Phillips (615 214-6311).

Interrogatory No. 16: Identify all communications and/or presentations to the FCC, NARUC, or any other state regulatory or consumer services representative body (public service commission, public utilities commission, attorney general's office etc.) in which Talk.com is the subject of the communication. Identify each person(s) who participated in the communication, the type of communications (*i.e.* letter, meeting, phone call, etc.), the date of the communication and the specific subject of the communication.

Response to Interrogatory No. 16: The CSD objects to Interrogatory No. 16 as irrelevant to the subject matter of this proceeding.

Interrogatory No. 17. Identify all proceedings, formal or informal, in which the TRA has examined or investigated billing errors, including but not limited to double billing and mistaken billing, by BellSouth or by unaffiliated local or long distance carriers.

The CSD objects to Interrogatory 12 as irrelevant. The CSD's treatment of consumer complaints against other carriers is unrelated to the subject matter of this case. Talk.com cannot claim that it has a right to have the law go unenforced, even if other carriers that may be equally or more culpable escape punishment. *See Futernick v. Sumpter Township*, 78 F.3d 1051, 1056 (6th Cir.1996).

Interrogatory No. 18: Identify all “witnesses from BellSouth” referred to in paragraph 31 (page 35) of the Show Cause Order and all documents, notes or other materials that form the basis for the alleged contentions of these witnesses.

Response to Interrogatory No. 18: The witnesses from BellSouth referred to in the *Show Cause Order* are:

1. Robin Moore, (615) 214-3861, Rm. 22C24, 333 Commerce Street, Nashville, TN, 37201-3300. The documents that form the basis for her contentions are a series of emails seeking and providing PIC histories with regard to all of the complaints involving a relation with BellSouth.
2. Jeff Fox, (615) 214-4066, Rm. 22A1, 333 Commerce Street Nashville, TN, 37201-3300. He provided a letter attesting to the accuracy of the PIC histories provided by BellSouth in this case.

Interrogatory No. 19: Identify the person(s) with knowledge of the facts alleged in the Show Cause Order as well as each particular paragraph within the Show Cause Order for which each such person(s) has/have knowledge.

Response to Interrogatory No. 19: The CSD responds that the following persons* have knowledge of the facts alleged in the identified paragraphs in the *Show Cause Order*:

Slamming and Cramming Complainants:

File Number	Consumer Name	Investigator	Paragraph Number
00-2192	John Smith	John Conners	1
00-2231	Marla Davis	John Conners	2
00-2419	Gerald Cochrane	John Conners	3
00-2451	Randy O'Neal	John Conners	4
01-0029	Marvin Johns	John Conners	5
01-0061	Merilyn Hesselgrave	Lisa Foust	6
01-0309	Jim Landers	John Conners	7
01-0365	Ester Haynes	John Conners	8
01-0416	John Helton	John Conners	9
01-0607	Pat Anderson	John Conners	10
01-0615	Donna Herald	John Conners	11
01-0664	Robert Whitaker	John Conners	12
01-0729	Barbara DeBlasio	John Conners	13
01-0730	Sharon Jones	Lisa Foust	14
01-0892	Kerry Beyer	John Conners	15
00-2039	Joe Matthews	John Conners	16
00-2082	Pam Downen	Lisa Foust	17
00-2185	Dorothy Curvin	John Conners	18

00-2321**	Laura Wilson	John Conners	19
00-2381	Jeanette Deming	John Conners	20
01-0028	John Selkirk	Lisa Foust	21
01-0089	Gary Butler	Lisa Foust	22
01-0373	Janet Clare	Lisa Foust	23
01-0641	Lori Tuberville	John Conners	24
01-0653	Carol O'Gorman	John Conners	25
01-0667	Edith Brown	John Conners	26
01-0694	Duane Shields	Lisa Foust	28
01-0703	Lisa Switter	John Conners	28
01-0785	K. L. Owen	John Conners	29
01-0918	John Montgomery	John Conners	30
00-2469	Judy Beasely	John Conners	31
01-0250	Janice Keenan	Lisa Foust	32
01-0724	Michael Foster	John Conners	33
01-0971	Lenore Wilson	Lisa Foust	34
00-2463	Patricia Ladisa	Lisa Foust	35
01-0063	Bruce Efflandt	John Conners	36
01-0107	Lois Carrithers-Greer	John Conners	37
01-0117	Doris Moore	Lisa Foust	38
01-0172	Tim Sweeney	Lisa Foust	39
01-0177	Marjorie Rainey	Lisa Foust	40
01-0313	Fred Parish	John Conners	41
01-0499	Lisan Parker	Lisa Foust	42
01-0636	Carolyn Keay	Lisa Foust	43
01-0641	Lori Tuberville	John Conners	44
01-0666	Andy Whitehead	Lisa Foust	45
01-0673	Charles Richardson	Lisa Foust	46
01-0691	Cecilia Peterson	Lisa Foust	47
01-0719	Betty Monroe	John Conners	48
01-0802***	Lisa Greenhaw	John Conners	49
01-0837	Pat Shell	Lisa Foust	50
01-0839	Buddy Hart	John Conners	51
01-0848	Beth Davis	Lisa Foust	52
01-0909	Tina Cook	John Conners	53
01-0918	John Montgomery	John Conners	54
01-0982	Veronica Castillo	John Conners	55
01-1059	Malisha Blackman	John Conners	56
01-1092	Jack Whitman	Lisa Foust	57
01-1146	John Whalen	Lisa Foust	58
01-1219	Rudolph Blue	John Conners	59
01-1220	William James	Lisa Foust	60
01-1294	Patricia Gatley	Lisa Foust	61

01-1320	Dennis McCarthy	Lisa Foust	62
01-1539	Helen Spurlock	Lisa Foust	63

*In addition to the above named investigators of the slamming and cramming complaints, Eddie Roberson supervised the investigation and Stacy Balthrop provided administrative support. Lynn Questell and Randal Gilliam represented the CSD and were assisted by Kim Moore and Lynda Lu Perin. Robin Moore of the Regulatory Department of BellSouth provided, at the investigators' requests, PIC histories on each of the slamming and cramming complaints. Her supervisor, Jeff Fox, reviewed her work and submitted a letter to the CSD to which PIC histories on all of the slamming and cramming complaints included in the *Show Cause Order* were attached.

** Gregory Anderson of Bledsoe Telephone provided a PIC history.

***Toni Rains of BellSouth provided a letter regarding a change order.

Do-Not-Call	Complainants*		
File Number	Consumer Name	Investigator	Paragraph Number
00-00065	Teresa Tharpe	Debbie Curry	64
00-00098	Frederick Snow	Debbie Curry	65
00-00189	Daniel Brown	Debbie Curry	66
00-00190	Laura Johnson	Debbie Curry	67
00-00191	Allen Corbitt	Debbie Curry	68
00-00192	Kristie Guthrie	Debbie Curry	69
00-00193	Thomas Fitzgerald	Debbie Curry	70
00-00194	Brenda Rayman	Debbie Curry	71
00-00195	Christopher Haney	Debbie Curry	72
00-00201	Jack Williams	Debbie Curry	73
00-00203	David Smith	Debbie Curry	74
00-00207	Matthew Smith	Debbie Curry	75
00-00215	Michael Chance	Debbie Curry	76
00-00216	Bruce Jones	Debbie Curry	77
00-00218	Carl Owens	Debbie Curry	78
00-00219	Thomas Davis	Debbie Curry	79
00-00220	John Baumgartner	Debbie Curry	80
00-00221	Richard Hinze	Debbie Curry	81
00-00228	Ellen Beene	Debbie Curry	82
00-00238	Juanita Evans	Debbie Curry	83
00-00248	Jane Turnage	Debbie Curry	84
00-00251	Linda Robinett	Debbie Curry	85
00-00252	Robert Ross	Debbie Curry	86
00-00253	Judy Womac	Debbie Curry	87
00-00254	Bernet Poczobut	Debbie Curry	88
00-00255	Forrest Orr	Debbie Curry	89
00-00256	Linda Corder	Debbie Curry	90

00-00263	Sherry Richards	Debbie Curry	91
00-00264	Leah Owens	Debbie Curry	92
00-00266	Remonia Headrick	Debbie Curry	93
00-00268	Alton McConnell	Debbie Curry	94
00-00275	Pamela Miller	Debbie Curry	95
00-00276	Linda Bolt	Debbie Curry	96
00-00278	Carl Benjamin	Debbie Curry	97
00-00281	Mrs. Charles Long	Debbie Curry	98
00-00286	Robert McAllister	Debbie Curry	99
00-00290	Joseph Burriesci	Debbie Curry	100
00-00298	Cora Bamberg	Debbie Curry	101
00-00305	Norma Corbin	Debbie Curry	102
00-00339	Jackie Fortune	Debbie Curry	103
00-00342	Bruce Luttrell	Debbie Curry	104
00-00354	David Thompson	Debbie Curry	105
01-00081**	Chad Jerrell	Debbie Curry	106
01-00105	Emory Smith	Debbie Curry	107

*Ed Mimms, Program Coordinator of the Do-Not-Call Program, also assisted in the analysis of the Do-Not-Call complaints. Tina Baker, CSD administrative assistant, provided administrative support.

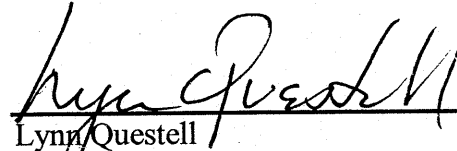
**Deborah Trautwein, a compliance assistant with BellSouth, at the consumer's local exchange company's Subpoena Compliance Center provided information.

Interrogatory No. 20: Identify all the person(s), including but not limited to any experts, that you intend to call as witnesses in this matter, as well as the subject matter and detail of the testimony, which each such witness (including any expert) is expected to testify.

Response to Interrogatory No. 20: The CSD has not completed its list of witnesses and will continue to notify Talk.com as the list is completed. At present, the CSD intends to call the following:

- Eddie Roberson, overall CSD investigation of Talk.com
- Ed Mimms, overall CSD investigation of the Do-Not-Call complaints against Talk.com
- John Conners, investigation of slamming and cramming complaints against Talk.com

Respectfully submitted,



Lynn Questell
Counsel



Randall Gilliam
Counsel

Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505
(615) 741-2904 (ext. 198)

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

*02 JAN 22 PM 1 47

OFFICE OF THE
EXECUTIVE SECRETARY

IN RE:

**SHOW CAUSE PROCEEDING
AGAINST TALK.COM, INC.**

**DOCKET NO.
01-00216**

**THE CONSUMER SERVICES DIVISION'S RESPONSES AND OBJECTIONS
TO TALK.COM INC.'S FIRST REQUEST FOR PRODUCTION**

Pursuant to Authority Rules 1220-1-1-.05 and 1220-1-2-.11 the Consumer Services Division ("CSD") of the Tennessee Regulatory Authority files its Responses and Objections to Talk.com, Inc.'s First Request for Production.

Request for Production No. 1: Any and all documents identified in your answers to Respondent's First Set of Interrogatories to the Staff of the Consumer Services Division of the Tennessee Regulatory Authority and the Staff of the Tennessee Regulatory Authority, including, but not limited to, all notes, summaries, emails, correspondences or recordings of conversations, interviews, and other materials. Identify where the records of such complaints are maintained, stored or preserved; and state whether any such records have been discarded or destroyed.

Response to Request for Production No. 1: See attached. See also the CSD's response to Interrogatory No. 9.

Request for Production No. 2: Any and all documents relating to any oral or written demands issued by the TRA or Consumer Services Division Staff to Talk.com prior to the issuance of the Show Cause Order including, but not limited to, informal information requests, specific investigations, reports, summaries and analysis of Talk.com's business in Tennessee.

Response to Request for Production No. 2: See attached.

Request for Production No. 3: Any and all documents relating to the Show Cause Order including but not limited to: (i) any and all documents relating to the methodology used by you in the review of the consumer complaints filed against Talk.com; (ii) any and all documents relating to Staff's evaluation of the consumer complaints and/or Talk.com's verification procedures.

Response to Request for Production No. 3: Please refer to the responses submitted for Interrogatory Nos. 1 and 3 and the documents produced in the response to Request for Production No. 1.

Request for Production No. 4: Any and all documents relating to any communications with BellSouth concerning billing, provisioning, marketing and soliciting of customers in Tennessee by (a) BellSouth; (b) Talk.com; or (c) other unaffiliated telecommunications service providers in Tennessee.

Response to Request for Production No. 4: The CSD objects to this discovery as unduly burdensome and not relevant to a claim or stated defense of any party.

Request for Production No. 5: Any and all documents relating to "Do Not Call Registry" violations including, but not limited to copies of the official Tennessee "Do Not Call" Registry as issued by the TRA each month since May 2000 through and including December 2001.

Response to Request for Production No. 5: The CSD objects to this request as unduly burdensome. A response to this request would require the CSD to copy at least 1200 files with an average of 10 or more pages per file. Notwithstanding this objection, please refer to the documents relating to Talk.com's violations of the Do-Not-Call Registry included in the CSD's response to Production Request No. 1. Also, copies of the official Tennessee Do-Not-Call Registry as issued by the TRA each month since May 2000 through and including December 2001 are included in electronic format on the compact disc provided in response to Production Request No. 6.

Request for Production No. 6: Any and all documents relating to the sign-up method of each complainant in the Show Cause Order listed on the "Do Not Call" Registry, including date the request was submitted, a copy of the request and date the individual first appeared on the official list.

Response to Request for Production No. 6: See attached.

Request for Production No. 7: Any and all documents relating to any general slamming, cramming or Do Not Call Registry violation investigations performed by the Staff regardless of carrier including all summaries, analyses or verifications of its findings.

Response to Request for Production No. 7: The CSD objects to this request as unduly burdensome and not relevant to a claim or stated defense of any party. A response to this request would include records in no way related to this proceeding (i.e., essentially every document ever generated by Staff relating to any general slamming, cramming or Do-Not-Call Registry violation investigations.)

Request for Production No. 8 Any and all documents used by the Consumer Services Division for generating the Consumer Services Division Monthly Report for each month during 2000 and 2001.

Response to Request for Production No. 8: The CSD objects to this request as unduly burdensome and not relevant to a claim or stated defense of any party. A response would require production of copies of all complaints for 2000 and 2001 (approximately 4000 files with up to 10 pages per file) and would include documents relating to gas, water and electric companies. Notwithstanding this objection, please refer to the CSD's response to Production Request No. 1 wherein any and all documents used in training and preparing individuals responsible for investigating consumer complaints and any and all documents used in the evaluation of consumer complaints related to Talk.com are produced (pursuant to the CSD's response to Interrogatory Nos. 1 and 3 and Production Request No. 1).

Request for Production No. 9: Any and all documents used by the Consumer Services Division to support the classification of Telephone Companies in the Consumer Services Division monthly reports for each month during 2000 and 2001.

Response to Request for Production No. 9: See attached.

Request for Production No. 10: Any and all documents used by the Consumer Services Division to calculate the number of regulated complaints received for the Consumer Services Division monthly report for each month during 2000 and 2001.

Response to Request for Production No. 10: The CSD objects to this request as unduly burdensome and not relevant to a claim or stated defense of any party. See response to Production Request No. 8.

Request for Production No. 11: Any and all documents used by the Consumer Services Division to calculate the number of telemarketing complaints received for the Consumer Services Division monthly report for each month during 2000 and 2001.

Response to Request for Production No. 11: The CSD objects to this request as unduly burdensome and not relevant to a claim or stated defense of any party. See response to Production Request No. 8.

Request for Production No. 12: Any and all documents used by the Consumer Services Division to identify the number of Tennesseans signed up for the Do Not Call Register listed in the Consumer Services Division monthly report for each month during 2000 and 2001.

Response to Request for Production No. 12: The CSD objects to this request as unduly burdensome and not relevant to a claim or stated defense of any party. A complete response to this request would require the production of over 650,000 pieces of paper. Notwithstanding this objection, please refer to the CSD's response to Production Request No.'s 5 and 6.

Request for Production No. 13: Any and all documents used by the Consumer Services Division to calculate the number [of] complaints received in the "billing" category for the Consumer Services Division monthly report for each month during 2000 and 2001, including, but without limitation, copies of all complaints included in this category.

Response to Request for Production No. 13: The CSD objects to this request as unduly burdensome and not relevant to a claim or stated defense of any party. A response would involve thousands of documents completely unrelated to this proceeding. Notwithstanding this objection, the CSD has produced copies of all complaints included in the *Show Cause Order* and received in the "billing" category in response to Production Request No. 1.

Request for Production No. 14: Any and all documents used by the Consumer Services Division to calculate the number of complaints received in the "delayed installation" category for the Consumer Services Division monthly report for each month during 2000 and 2001, including, but without limitation, copies of all complaints included in this category.

Response to Request for Production No. 14: The CSD objects to this request as unduly burdensome and not relevant to a claim or stated defense of any party. A response would include at least 300 files for the last two years. Notwithstanding this objection, please refer to the CSD's response to Production Request No. 1 wherein all documents received in the "delayed installation" category and included in the *Show Cause Order* are produced.

Request for Production No. 15: Any and all documents used by the Consumer Services Division to calculate the number of complaints received in the "service" category for the Consumer Services Division monthly report for each month during 2000 and 2001, including, but without limitation, copies of all complaints included in this category.

Response to Request for Production No. 15: The CSD objects to this request as unduly burdensome and not relevant to a claim or stated defense of any party. A response would involve thousands of documents completely unrelated to this proceeding. Notwithstanding this objection, the CSD has produced copies of all complaints included in the *Show Cause Order* and received in the "service" category in response to Production Request No. 1.

Request for Production No. 16: Any and all notices, memoranda, or other records relating to billing errors by other telecommunications service providers in Tennessee, including, but not limited to, errors by AT&T or BellSouth.

Response to Request for Production No. 16: The CSD objects to this request as unduly burdensome and not relevant to a claim or stated defense of any party. Notices, memoranda and other records relating to billing errors by other telecommunications services providers are not reasonably related to a claim or defense regarding Talk.com's violations of the slamming, cramming or "Do-Not-Call" statutes.

Request for Production No. 17: Any and all samples, models, instructions, training aids or other materials provided to TRA staff, including Consumer Services Division Staff, for use in review or evaluation of telemarketing or verification scripts for compliance with Tenn. R. & Reg. 1220-4-2-.56(3) and Tenn. R. & Reg. 1220-4-2.56(2)(c).

Response to Request for Production No. 17: See attached.

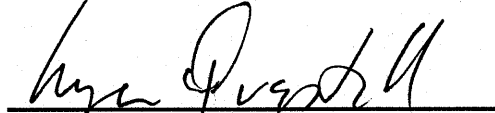
Request for Production No. 18: Any and all documents relating to Access One, including but not limited to notes, summaries, emails, correspondences or other materials pertaining to the settlement with Access One.

Response to Request for Production No. 18: See attached.

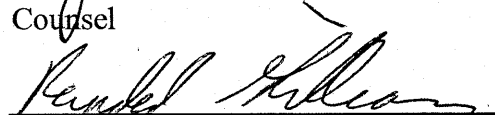
Request for Production No. 19: Any and all documents upon which you or any of your witnesses intend to rely at the hearing in this matter.

Response to Request for Production No. 19: The CSD objects to this request as cumulative, unduly burdensome, vague and over-broad. Depending on how one reads this vague request, it could call for privileged information. Notwithstanding this objection, please refer to each response to Request for Production Nos. 1 – 18.

Respectfully submitted,



Lynn Questell
Counsel



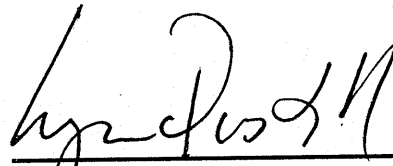
Randal Gilliam
Counsel

Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505
(615) 741-2904 (ext. 198)

CERTIFICATE OF SERVICE

I, Lynn Questell, hereby certify that I have served a copy of the foregoing Responses and Objections to Talk.com's First Interrogatories and First Requests for Production on the following person by hand delivery or by depositing a copy of the same in the United States Mail, postage prepaid, addressed to them at the addresses shown below, this 22nd day of January, 2002:

Henry Walker
Boult, Cummings, Conners & Berry PLC
414 Union Street, Suite 1600
Nashville, TN 37219-8062



Lynn Questell